

## ARTICLE 16

### ACCESSORY STRUCTURES & USES

#### §16.05 - INTENT & PURPOSE

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The intent and purpose of this Article is to:

- (A) Ensure that accessory structures and uses do not conflict with the intended nature and use of the zoning district in which they are located;
- (B) Establish standards for specific accessory structures to minimize potential negative impacts on the use, enjoyment, and value of adjacent properties, the surrounding area, and the Township in general; and
- (C) Establish standards for specific accessory uses to minimize potential negative impacts on the use, enjoyment, and value of adjacent properties, the surrounding area, and the Township in general.

#### §16.10 - MINOR ACCESSORY STRUCTURES

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Minor accessory structures, including, but not limited to, arbors, trellises, bird baths and houses, dog houses, lamp posts, mail boxes, sidewalks, and utility installations for local service, shall be permitted in any yard in all zoning districts.

#### §16.15 - ACCESSORY BUILDINGS

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Accessory buildings shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Building-to-Building Setback:** Accessory buildings shall be at least ten (10) feet from any adjacent building.
- (B) **Residential Accessory Buildings:** Residential accessory buildings shall meet the standards outlined below.
  - (1) **Relation to Principal Building:** Residential accessory buildings shall only be constructed and maintained on lots with or near a principal dwelling unit, as outlined below.
    - a. **Same Lot:** Residential accessory building shall only be permitted on a lot on which a principal dwelling unit exists or is under construction
    - b. **Adjacent or Nearby:** Residential accessory buildings shall only be permitted on a lot within one hundred fifty (150) feet of property under the same ownership and control on which a principal dwelling unit exists or is under construction.

(2) *Location:* Residential accessory buildings shall only be located as outlined in the table below.

Table 16.15(B)(2): Residential Accessory Building Location & Minimum Setbacks			
Yard	Zoning District	Allowed	Setbacks
a. Front yard	Lake Residential <sup>(3)</sup>	Yes <sup>(4)</sup>	20 feet from front lot line for waterfront lots <sup>(4)</sup> The same as the principal building setback for non-waterfront lots 5 feet from the side lot lines
	All Other Zoning Districts	Yes <sup>(4)</sup>	Twice the setback for the principal building 10 feet from the side lot lines
b. Side yard	Lake Residential <sup>(3)</sup>	Yes	5 feet from side lot lines
	All Other Zoning Districts	Yes	10 feet from side lot lines
c. Rear yard	Lake Residential <sup>(3)</sup>	Yes	5 feet from side lot lines 10 feet from rear lot lines
	All Other Zoning Districts	Yes	10 feet from side lot lines 10 feet from rear lot lines
d. Waterfront Yard	All Districts	No	

**GRAPHICS**

(3) *Lake Residential:* This applies to all Lake Residential Districts.

(4) *Appearance:* Residential accessory buildings located within the front yard shall be designed and constructed to complement the design of the principal building.

(5) *Width:* The maximum façade width for accessory buildings in the front yard of waterfront lots with a lot width of sixty (60) feet or less shall be twenty-~~two-four~~ (~~2224~~) feet.

(6) *Height:* For lots with a lot area of less than one (1) acre, the maximum height for residential accessory buildings shall be ~~twenty-eighteen~~ (~~2018~~) feet. For lots with a lot area of one (1) acre or more, the maximum height for residential accessory buildings shall be twenty-five (25) feet.

- (7) *Building Coverage:* The total building coverage for all residential accessory buildings on a lot shall have a maximum building coverage as outlined in the table below and shall meet the building coverage for the zoning district in which they are located.

**Table 16.15(B)(5): Residential Accessory Building Coverage**

Lot Area	Building Coverage
a. Less than 1 acre	1,000 square feet
b. 1 acre to 3.5 acres	1,500 square feet
c. More than 3.5 acres	1 percent of lot area

- (8) *Use:* Residential accessory building use shall be incidental and subordinate to the principal use of the property.

(C) **Agricultural Accessory Buildings:** Accessory buildings used exclusively for commercial agriculture, including silos, shall meet the following standards.

- (1) *Location:* Agricultural accessory buildings may be located in any yard.
- (2) *Setbacks:* The minimum setbacks for agricultural accessory buildings shall be the setbacks for the principal building or equal to the building height, whichever is greater. Agricultural accessory buildings housing animals shall be at least fifty (50) feet from all lot lines.
- (3) *Height:* There shall be no height limit for agricultural accessory buildings. Agricultural accessory buildings that are taller than thirty (30) feet shall have minimum setbacks equal to the height.
- (4) *Building Coverage:* Agricultural accessory buildings shall meet the building coverage for the district in which they are located.

(D) **Commercial or Institutional Accessory Buildings:** Accessory buildings for commercial or institutional uses shall meet the developmental and use standards for the principal building for the zoning district in which they are located.

(E) **Temporary Accessory Buildings:** Temporary accessory buildings shall meet the following standards.

- (1) *Location:* Temporary accessory buildings shall be located within a side or rear yard; ~~temporary~~ Temporary accessory buildings used exclusively for commercial agriculture may be located in any yard.
- (2) *Setbacks:* Temporary accessory buildings shall be at least ten (10) feet from every lot line.
- (3) *Height:* Temporary accessory buildings shall have a maximum height of ~~twenty-eight~~ twenty-eighteen (2018) feet.
- (4) *Duration:* Temporary accessory buildings shall be erected a maximum of six (6) months in any calendar year. This shall not apply to temporary accessory buildings used exclusively for commercial agriculture.
- (5) *Condition:* Temporary accessory buildings shall be maintained in a good and safe condition at all times.
- (6) *Performance Guarantee:* A performance guarantee may be required, as outlined in §24.25 of this Ordinance.

### §16.20 - GAZEBOS

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Gazebos with a building coverage of one hundred (100) square feet or less shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance. Gazebos with a building coverage of more than one hundred (100) square feet shall be considered accessory buildings and shall meet the standards for accessory buildings.

- (A) **Location:** Gazebos may be located in any yard.
- (B) **Setbacks:** Gazebos shall meet the yard setbacks for an accessory building for the district in which they are located and shall be at least thirty-five (35) feet from waterbodies.
- (C) **Height:** Gazebos shall have a maximum height of ten (10) feet.
- (D) **Enclosure:** Gazebos shall have open walls or only be enclosed by screening.

### §16.25 - PORCHES, DECKS, ~~& PATIOS~~, & STEPS

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Porches, decks, ~~and patios~~, and steps shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Detached:** Porches, decks, ~~and patios~~, and steps that are not attached to a building shall meet the setbacks for the principal building for the district in which it is located and shall not have any enclosed walls.
- (B) **Attached:** Porches, decks, ~~and patios~~, and steps that are attached to a building or function as if they were attached, even if there is no physical connection, shall be considered a part of that building and shall meet the developmental standards for that building, unless otherwise permitted in this Ordinance.
- (C) **Screening:** Privacy fencing or screening may be attached to a deck or porch in a rear or side yard with a maximum height of six (6) feet, measured from the finished floor of the deck or porch.

### §16.30 - RESIDENTIAL HANDICAPPED RAMPS

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An unroofed handicapped ramp for residential use may encroach into a required front, rear, or side-yard setback if all of the following are true:

- (A) **No Alternatives:** There shall be no other reasonable alternatives for the location of such a ramp on the property;
- (B) **Smallest Necessary:** The ramp shall be the smallest size necessary; and
- (C) **Removal:** The ramp shall be removed when it is no longer necessary for handicapped access. This removal shall be outlined in a document approved by the Township and recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.
- (D) **Performance Guarantee:** A performance guarantee may be required at the time of construction to ensure the handicapped ramp is removed, as outlined in §24.25 of this Ordinance.

## §16.35 - FENCES, WALLS, & GATED ENTRANCES

Fences, walls, and gated entrances shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

(A) **Fences & Walls:** Fences and walls shall meet the standards outlined below, unless otherwise ~~provided~~permitted in this Ordinance.

- (1) **General Provisions:** The standards outlined below shall apply to all fences and walls.
  - a. **Finished Side:** The finished side shall face adjacent properties. All exposed fence posts shall be located towards the property that is being fenced.
  - b. **Setbacks:** Fences shall be located completely within the property being fenced.
  - c. **Clear-vision Zone:** Fences and walls located within a clear-vision zone shall have a maximum height of three (3) feet.
  - d. **Height:** Fences and walls located within a front yard shall have a maximum height of four (4) feet. Fences and walls located within a side or rear yard shall have a maximum height of six (6) feet, unless otherwise stated in this Ordinance.
  - e. **Maintenance:** Fences and walls shall be kept and maintained in good, plumb upright condition.
  - f. **Gates:** Gates shall be installed so that they do not extend over or into a right-of-way, public space, or adjacent property when opened.
- (2) **Waterbody Yards:** Fences and walls in waterbody yards shall meet the standards outlined below.
  - a. **Commercial, Recreation Conservation, & Public Districts:** The maximum height for fences or walls in the waterfront yard of Commercial (C-1), Recreation Conservation (RC), and Public Districts shall be four (4) feet, and the fence or wall shall have a maximum opacity of fifty (50) percent.
  - b. **All Other Districts:** Fences and walls shall not be permitted in the waterfront yard in any other zoning district.
- (3) **Recreational Facility Fences:** Fences surrounding a recreational facility field or court shall have a maximum height of twelve (12) feet and shall be set back from all lot lines a distance at least equal to the fence height.
- (4) **Agricultural Fences:** Agricultural fences may be taller than outlined in this Section if the fence is the minimum height necessary for the agricultural use and the fence will not cause negative impacts to adjacent properties or traffic. Agricultural fences that are taller than otherwise allowed shall have a maximum opacity of fifty (50) percent.
- (5) **Temporary Fences:** Temporary fences shall be maintained in good condition and shall be installed a maximum of five (5) months in a calendar year.
- (6) **Barbed & Razor Wire:** Barbed and razor wire shall only be used with the approving authority's approval for utility substations and gate valve stations.
- (7) **Electrical Fence:** Electrical fences shall only be allowed in **Agricultural (AG) and Rural Residential (RR) Districts** for commercial agricultural purposes. All electrical fences within fifty (50) feet of a lot line or in an area accessed by the public shall have clearly-visible warning signs.

**(B) Gated Entrances:** Gated entrances shall meet the standards outlined below.

- (1) *Approvals:* Gated entrances shall require review and approval by emergency responders, including, but not limited to, the Fire Inspector, police, and emergency medical services.
- (2) *First Responder Access:* Gated entrances shall be equipped with a sound-activated entry system that will automatically open the gate upon detecting an emergency siren for two point five (2.5) to four point five (4.5) seconds or sooner.
- (3) *Law Enforcement Access:* Gated entrances shall be equipped with a silent, secondary access system that allows for quiet entrance by law enforcement personnel.
- (4) *Back-up Power:* Gated entrances shall be equipped with a back-up power supply capable of operating the gate for at least twenty-four (24) hours in the case of power failure.
- (5) *Manual Control:* Gated entrances shall be equipped with a fail-safe mode that allows for manual operation of the gate.

#### §16.40 - POOLS & HOT TUBS

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Pools and hot tubs shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

**(A) Location:** Swimming pools shall be located in a side or rear yard. Hot tubs shall be located in a side, rear, or waterfront yard.

**(B) Setbacks:** Swimming pools shall be at least ten (10) feet from side and rear lot lines. Hot tubs shall be at least ten (10) feet from side and rear lot lines and at least thirty-five (35) feet from waterbodies.

**(C) Access:** Swimming pools and hot tubs shall have restricted access by at least one (1) of the methods below:

- (1) *Fencing:* Swimming pools and hot tubs shall be surrounded by fencing at least four (4) feet high. The fence shall not be climbable, and all gates shall be self-closing and self-latching;
- (2) *Elevated Pools:* Elevated swimming pools and hot tubs that are at least four (4) feet above ground shall have restricted access by steps that are removed and secured when not in use or a self-closing, self-latching gate that is at least four (4) feet high;
- (3) *Building Wall:* When a building wall is used as a barrier, all doors along that wall shall be equipped with alarms and the swimming pool shall have an automatic cover; and/or
- (4) *Hot Tub Cover:* Hot tubs with a cover that complies with the American Society for Testing and Materials (ASTM) F1346 shall not be required to have additional access restrictions. This cover shall be in place when the hot tub is not in use.

**(D) Filling:** Swimming pools and hot tubs shall not be filled until the applicable access restrictions have been satisfactorily installed.

## §16.45 - RETAINING WALLS

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Retaining walls shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance. The standards of this Section shall not apply to seawalls.

- (A) **Setbacks:** Retaining walls shall be at least three (3) feet from all lot lines. For retaining walls that are taller than three (3) feet, the minimum setback shall be equal to their height. This setback may be reduced if a letter of non-objection is obtained from the affected adjacent property owner. This letter shall be in a form approved by the Township and shall be recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.
- (B) **Waterbody & Wetland Setback:** Retaining walls shall be at least ten (10) feet from any waterbody or wetland.
- (C) **Height:** Retaining walls shall have a maximum height of four (4) feet. Taller retaining walls shall be tiered with a distance between the walls equal to height of the upper retaining wall. The maximum height may be increased by up to three (3) feet if: the retaining wall is made of poured concrete, and a fall-prevention railing is installed.
- (D) **Grade:** Grades along property lines shall not be changed unless a letter of non-objection is obtained from the affected adjacent property owner. This letter shall be in a form approved by the Township and shall be recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.
- (E) **Drainage:** Any change in grade shall not have a negative impact on the natural drainage patterns.

## §16.50 - SIDEWALKS, PATHS, & STEPS

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Sidewalks, paths, and steps shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Location:** Sidewalks, paths, and steps that are at-grade or even with slopes shall be permitted in every yard.
- (B) **Setback:** Sidewalks, paths, and steps shall be at least five (5) feet from side lot lines, except as listed below.
  - (1) **Shared Use:** When a sidewalk, path, or steps will be shared by multiple properties, it may be located along the shared lot line. A maintenance agreement and access easement shall be provided. This maintenance agreement and access easement shall be in a form approved by the Township and shall be recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.
  - (2) **Non-objection:** The side yard setback may be reduced if the adjacent property owner submits a letter of nonobjection. This letter of nonobjection shall be in a form approved by the Township, and shall be recorded with the Register of Deeds, with a copy of the recorded agreement being supplied to the Township.
  - (3) **Connection:** When a sidewalk, path, or steps will connect adjacent properties, the side or rear-yard setback shall not apply.
  - (4) **Lake Residential Districts:** The side-yard setback may be reduced by up to two (2) feet for properties in Lake Residential (LR) Districts that have a lot width of less than fifty (50) feet.

### §16.55 - PROPANE TANKS

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Propane tanks used to supply a building or use shall meet the standards outlined below, in addition to the other applicable standards of this Ordinance.

- (A) **Small Propane Tanks:** Propane tanks with a capacity of more than one hundred (100) gallons and five hundred (500) gallons or less shall be at least ten (10) feet from any lot line and any external source of ignition, including, but not limited to, open flames, window air conditioners, or compressors, and any intake for direct vent gas appliances or mechanical ventilation system.
- (B) **Large Propane Tanks:** Propane tanks with a capacity of more than five hundred (500) gallons shall be at least twenty-five (25) feet from any lot line and any external source of ignition, including, but not limited to, open flames, window air conditioners, or compressors, and any intake for direct vent gas appliances or mechanical ventilation system.
- (C) **Screening:** Any propane tank located in a front yard with a capacity of more than one hundred (100) gallons shall be screened from public view.

### §16.60 - MECHANICAL EQUIPMENT

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Mechanical equipment, including, but not limited to, generators, heating, ventilation, air conditioning, and non-residential water and gas meters, shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Setbacks:** Mechanical equipment shall meet the setbacks for the principal building for the zoning district in which it is located.
- (B) **Screening:** Roof and ground-mounted mechanical equipment shall be screened from public view and from adjacent properties.
  - (1) **Roof-Mounted:** Roof-mounted mechanical equipment shall be screened using architectural materials consistent with the building and shall be completely opaque. The screening shall be at least as tall as the equipment being screened.
  - (2) **Ground-Mounted:** Ground-mounted mechanical equipment shall be screened as outlined below.
    - a. **Residential Use:** Ground-mounted mechanical equipment for residential use that is within ten (10) feet of lot lines shall be screened using a fence, wall, or plantings.
    - b. **Non-residential Use:** All nonresidential ground-mounted mechanical equipment shall be screened using a fence, wall, or plantings.
    - c. **Nature of Screening:** Fence or wall screening shall be consistent with materials used on the site and shall be completely opaque. Planting screening shall be consistent with other plantings on the site, shall be evergreen, and shall be at least as tall as the equipment being screened when installed.



### §16.65 - FLAGPOLES

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Flagpoles shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Setbacks:** Flagpoles with a height of twenty-five (25) feet or less shall be at least ten (10) feet from all lot lines and waterbodies. Flagpoles with a height of more than twenty-five (25) feet shall be at least twenty (20) feet from all lot lines and waterbodies.
- (B) **Height:** Flagpoles shall have a maximum height of fifty (50) feet.

### §16.70 - TV ANTENNAS, SATELLITE DISHES, & HAM RADIO

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Television antennas and satellite dishes with a height or diameter of more than three (3) feet and all ham radio antennas shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Intent & Purpose:** The intent and purpose of this Section is to provide reasonable standards for reception antenna to achieve the following:
- (1) **Safety:** Promote safety and prevent hazards to people and property from accidents involving antennas and satellite dishes;
  - (2) **Use:** Promote the reasonable use of antennas and satellite dishes where feasible;
  - (3) **Aesthetics & Property Values:** Develop standards that minimize the aesthetic impact on surrounding properties and preserve property values;
  - (4) **Balance:** Balance standards for antennas and satellite dishes to provide for these intents and purposes; and
  - (5) **Health, Safety, & Welfare:** Promote and protect the health, safety, and welfare in relation to individual property rights without unreasonable restriction.
- (B) **Location:** Antennas and satellite dishes shall not be located in any easement. Ground-mounted antenna shall be located in a rear yard. Structure-mounted antennas and satellite dishes shall be located on a rear-yard facing façade or roof. If it is not possible to get reception in a rear yard, the antenna or satellite dish may be located within or facing a side yard. For sites adjacent to waterbodies, antennas and satellite dishes shall be located in or facing the side or front yards.
- (C) **Setbacks:** Antennas and satellite dishes shall meet the setbacks for an accessory building for the zoning district in which it is located.
- (D) **Height:** The maximum free-standing antenna height shall be the maximum height for the principal building for the zoning district in which the antenna is located. Structure-mounted antenna may extend up to twenty (20) feet above the rooftop.
- (E) **Diameter:** The maximum diameter shall be ten (10) feet.
- (F) **Color:** Antennas and satellite dishes shall not be bright or pastel colors, unless required by the Federal Aviation Administration.
- (G) **Wind:** Antennas and satellite dishes shall be designed and installed to withstand a wind load of one hundred (100) miles per hour.

**(H) *Ham Radio Antennas Height & Diameter:*** Ham radio antennas may exceed the height and diameter standards above if the all of the following conditions are met:

- (1) *Minimum Necessary:* The antenna height or diameter is the minimum necessary to receive and transmit signals adequately;
- (2) *Fall Zone:* The antenna fall zone is located entirely within the property; and
- (3) *Removal:* The antenna shall be removed when the ham radio use has been discontinued for a period of one hundred eighty (180) days, and this provision shall be outlined in a document approved by the Township and recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.

### §16.75 - WIND ENERGY CONVERSION SYSTEMS

It is the intent of this Section to create standards to allow for Micro and Small Wind Energy Conversion Systems (WECS) and MET Towers while protecting the health, safety, and welfare of adjacent properties, neighbors, and the community in general.

**(A) *Setbacks:*** WECS and MET Towers shall meet the setback standards outlined below.

- (4) *How Measured:* Setbacks shall be measured horizontally from the center of the base of the tower for tower-mounted WECS and MET Towers and from the edge of the swept area for building-mounted Micro WECS.
- (5) *Setbacks:* Tower-mounted Micro WECS shall meet the setback for an accessory building in the zoning district in which it is located. Small WECS shall meet the setback for a principal building for the zoning district in which it is located. Setback shall be measured from non-participating lot lines.
- (6) *Additional Setbacks:* Tower-mounted Micro and Small WECS shall be at least one point one (1.1) times the total height from any buildings, parking areas, or commonly used outdoor areas on non-participating properties, right-of-ways, overhead utilities, waterbodies, and wetlands.
- (7) *MET Towers:* MET Towers shall be at least one point one (1.1) times the total height from habitable structures, non-participating properties, and rights-of-way.
- (8) *Fall Zone:* The fall zone and swept area shall be located entirely within participating lots.
- (9) *Experimental WECS:* Experimental WECS shall have a setback twice the distance required for non-experimental WECS.
- (10) *Guy Wires:* Guy wires shall meet the minimum setback for an accessory building in the zoning district in which it is located or ten (10) feet, whichever is less.

**(B) *Height:*** WECS and MET Towers shall meet the height standards outlined below.

- (1) *Building-mounted Micro WECS:* Building-mounted Micro WECS shall not extend more than fifteen (15) feet above the roof peak of the building to which it is attached.
- (2) *Tower-mounted Micro WECS:* Tower-mounted Micro WECS shall have a total height not taller than the tallest permitted principal building height for the zoning district in which it is located.

- (3) *Small Lots:* Small WECS and MET Towers on lots less than two (2) acres in size shall have a total height of less than one hundred (100) feet or forty (40) feet above any tree lines within a distance of two (2) times the total height, whichever is greater, not to exceed two hundred (200) feet.
- (4) *Large Lots:* Small WECS and MET Towers on lots two (2) acres and larger shall have a total height of less than two hundred (200) feet.
- (5) *FAA:* Small WECS and MET Towers shall comply with all applicable Federal Aviation Administration rules and regulations.

(C) **Standards:** WECS and MET Towers shall meet the general standards outlined below.

- (1) *Towers:* Tower-mounted WECS and MET Towers shall use the towers outlined below.
  - a. *Types:* A tower-mounted Micro WECS, Small WECS, or MET Tower shall be mounted on a guyed, lattice, or monopole tower.
  - b. *Lake Residential Districts:* A tower-mounted Micro WECS or Small WECS in a Lake Residential District shall only be mounted on a monopole tower.
- (2) *Appearance:* WECS and MET Towers shall meet the appearance standards outlined below.
  - a. *Colors:* WECS and MET Towers shall be a non-obtrusive, non-reflective color.
  - b. *Alternative Colors:* Alternative color schemes may be approved without requiring a variance, if all of the following conditions are met:
    - i. The proposed color scheme is consistent with Federal Aviation Administration guidelines;
    - ii. Darker colored blades may be allowed to reduce icing concerns; and
    - iii. The proposed color scheme will better serve the intent and purpose of this Section and Ordinance.
  - c. *Condition:* The system shall be maintained in good condition and appearance at all times, consistent with industry standards.
  - d. *Advertising:* WECS and MET Towers shall not display any commercial advertising, except for a reasonable display of the owner, operator, or manufacturer.
- (3) *Wiring:* All exterior wiring connections to the WECS and MET Towers shall be installed underground at a depth to prevent any damage from freezing or frost and to prevent interference with drain tiles. Wiring may be above ground if all of the following conditions are met: the above-ground installation will not create an undue safety hazard; burying of wires will cause an excessive hardship; and above ground wiring will better serve the intent of this Ordinance.
- (4) *Lighting:* WECS and MET Towers shall meet the lighting standards outlined below.
  - a. *Intensity:* Tower lighting shall be the lowest intensity allowable by the Federal Aviation Administration.
  - b. *Strobe or Pulse:* Tower lighting shall not be strobe or pulsating unless required by the Federal Aviation Administration. Strobe lighting shall be preferred to pulsating lighting.
  - c. *Glare:* Tower lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.

- (5) *Number:* The maximum number of WECS and MET Towers per lot shall be as listed in the table below. Area used towards one type of system shall not be double-counted for another type of system.

<b>Table 16.70(D)(5): Number of WECS and Met Towers</b>		
<b>Type of system</b>	<b>Density</b>	<b>Maximum per Lot</b>
a. Micro WECS	2 per acre	5 total
b. Small WECS	1 per acre	3 total
c. MET Tower	1 per acre	3 total

- (D) *Safety:* WECS and MET Towers shall meet the safety standards outlined below.

- (1) *Access:* WECS and MET Towers shall meet the access standards outlined below.

- a. *Climbable:* The tower shall not be climbable for a height of eight (8) feet above the ground for Micro WECS or a height of ten (10) feet for Small WECS and MET Towers above the ground, unless the applicant proves it would not be a public hazard.
- b. *Access Doors:* All access doors to the tower and exterior electrical equipment shall be locked when not attended.

- (2) *Operation:* WECS and MET Towers shall meet the operation standards outlined below.

- a. *Maintenance Record:* The operator shall keep a maintenance record documenting compliance with the maintenance plan, which shall be produced in a timely manner upon request for inspection by the Township. Such request may be made up to one (1) time per year.
- b. *Overspeed Controls:* All WECS shall be equipped with both automatic and manual overspeed controls.

- (3) *Clearance:* WECS shall meet the clearance standards outlined below.

- a. *Horizontal-axis:* Horizontal-axis WECS shall have a ground clearance of at least twelve (12) feet.
- b. *Vertical-axis:* Vertical-axis WECS shall have a ground clearance necessary to not be a hazard.
- c. *Building-mounted:* Building-mounted Micro WECS shall have a building clearance from the swept area at least equal to the blade length.

- (4) *Warnings & Information:* All WECS and MET Towers shall display appropriate warning signs, such as electrical warnings and emergency contact information.

- (5) *Guy Wire Clearance:* All guy wires shall be clearly visible to a height of at least six (6) feet above ground level.

- (E) **Sound:** WECS shall meet the sound standards outlined below.
- (1) *Where Measured:* Sound shall be measured at non-participating lot lines and road right-of-ways.
  - (2) *Sound Level:* All WECS shall comply with the sound standards, as defined in §17.10 of this Ordinance, except for during short-term events, such as severe wind storms and utility outages.
  - (3) *Background Sound:* If the ambient sound level exceeds the above standards, the maximum sound level shall be ambient sound level + 5 dB.
  - (4) *Administrative Adjustment:* An administrative adjustment may be granted from the above sound standards, as outlined in Article 30 of this Ordinance.
- (F) **Interference:** The applicant, owner, or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals
- (G) **Additional Application Materials:** An application shall include the following additional materials:
- (1) *Application:* A WECS zoning permit application;
  - (2) *Plot or Site Plan:* A plot or site plan with the following additional information:
    - a. Location of the WECS or MET Tower;
    - b. Structures within a distance of two (2) times the total height;
    - c. All overhead utilities within a distance of two (2) times the total height; and
    - d. Location of exterior wiring associated with the WECS or MET Tower.
  - (3) *Interconnection Agreement:* A copy of the interconnection agreement for grid-connected systems;
  - (4) *Federal Aviation Administration Letter:* Letter of non-objection or similar from the Federal Aviation Administration, if applicable;
  - (5) *Waiver:* Copy of recorded affidavit of permission granting a waiver of sound standards, if applicable;
  - (6) *Maintenance Plan:* A maintenance plan for the WECS;
  - (7) *Sound Analysis:* A sound-level analysis for Small WECS;
  - (8) *System Specifications:*
    - a. *Make & Model:* Manufacturer and model;
    - b. *System Information:* Total system height, rotor size, ground or building clearance;
    - c. *Tower Information:* Tower and tower foundation blueprints or drawings for tower-mounted systems; and
    - d. *Electrical Diagram:* One or three line electrical diagram.
  - (9) *Additional Materials:* Other materials determined necessary by the Director of Planning and Zoning to ensure compliance with this Ordinance.
  - (10) *Performance Guarantee:* The approving authority may require a performance guarantee to ensure proper maintenance and removal, as outlined in §24.25 of this Ordinance.
  - (11) *Expiration:* The zoning permit shall expire if:
    - a. *Installation:* The WECS or MET Tower is not installed within one (1) year;

- b. *Abandoned*: The WECS or MET Tower is declared abandoned; or
  - c. *Unsafe*: The WECS or MET Tower is declared unsafe.
- (H) **Decommissioning & Removal**: WECS and MET Towers shall be decommissioned and removed as outlined below.
- (1) *Abandonment*: Any WECS that has not produced electricity for a period of twelve (12) months shall be considered abandoned.
  - (2) *Owner Responsibilities*: Abandoned WECS and MET Towers shall be removed or reconditioned at the property owner's expense within three (3) months notice to take action.
  - (3) *Unsafe*: Unsafe WECS and MET Towers shall be removed or made safe within a reasonable time as determined by the Director of Planning and Zoning.
  - (4) *Removal*: The Township may remove any abandoned or unsafe WECS and MET Towers not removed or reconditioned by the owner within the allowed time at the owner's expense.

### §16.80 - SOLAR ENERGY SYSTEMS

Solar energy systems shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Location**: Solar energy systems shall not be located within or above any required front or waterfront yard.
- (B) **Setbacks**: Free-standing systems shall meet the setbacks for accessory buildings.
- (C) **Building Coverage**: The ~~building~~ area covered by the solar panels of free-standing systems shall count towards the building coverage. An administrative adjustment may be granted as outlined in Article 30 of this Ordinance.
- (D) **Height**: Building or roof-mounted systems shall meet the height standards for the building to which it is attached. Free-standing systems shall meet the height standards for accessory buildings.
- (E) **Wiring or Piping**: Wiring or piping for free-standing systems shall be buried and placed inside a conduit. Wiring may be above ground if all of following conditions are satisfied: the above-ground installation will not create an undue safety hazard; burying of the wires will cause an excessive hardship; and above-ground wiring will better serve the intent of this Ordinance.
- (F) **Orientation**: Solar energy systems shall be designed and located to minimize reflective glare toward any inhabited structure on adjacent properties, street rights-of-way, or public places.
- (G) **Additional Application Materials**: An application shall contain the following additional materials:
  - (1) *Specifications*: Manufacturer specifications for the proposed solar energy system; and
  - (2) *Interconnection*: A copy of the interconnection agreement for grid-connected systems.

## §16.85 - WASTE RECEPTACLES & ENCLOSURES

Waste receptacles, including trash, grease, recyclables, and compactors, shall meet the standards outlined below, in addition to other applicable standards of this Ordinance. This Section shall not apply to curbside pick-up or recycling facilities.

**(A) Enclosures:** An enclosure shall be provided on all sides of waste receptacles.

- (1) Materials:** The enclosure walls shall be constructed of brick, decorative masonry, or concrete. The exterior of the enclosure walls may be faced in a different material that complements the principal building. The enclosure gate shall be constructed of metal or similar high-quality materials.
- (2) Height:** The enclosure shall be at least six (6) feet high or one (1) foot taller than the waste receptacle, whichever is taller.
- (3) Separation Distance:** The enclosure walls shall be designed to provide a distance of at least three (3) feet between the waste receptacle and the enclosure wall.

**(B) Location:** Waste receptacle enclosures shall only be located within rear or side yards.

**(C) Setbacks:** Waste receptacle enclosures shall be set back a minimum distance from lot lines, as outlined below.

**(1) All Lot Lines:** Waste receptacle enclosures shall be at least ten (10) feet from all lot lines.

**(2) Residential Districts:** Waste receptacle enclosures shall be at least twenty (20) feet from all residential districts.

**(3) Waterbodies:** Waste receptacle enclosures shall be at least fifty (50) feet from all waterbodies.

**(4) Greater Distance:** A greater distance may be required if the waste receptacle is likely to emit odors.

**(5) Shared Waste Receptacles:** This distance may be reduced from a common lot line if an enclosure provides service to adjacent lots and the property owners have signed an agreement, in a form approved by the Township and recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.

**(D) Screening:** Waste receptacle enclosures shall be screened from adjacent properties and public view, to the greatest extent practicable, using evergreen vegetation.

**(E) Lid or Cover:** Waste receptacles that are likely to emit odors shall have a lid or cover that shall be kept covered except when accessing the waste receptacle.

**(F) Concrete Base:** Waste receptacle enclosures shall have a reinforced, concrete base that extends out far enough to provide a base for the front axle of the refuse vehicle.

**(G) Accessibility:** Waste receptacles shall be accessible to refuse vehicles in a manner that does not conflict with designated parking, loading, queuing spaces, or maneuvering lanes.

**(H) Bollards:** Bollards, posts, or bumpers shall be provided to protect the enclosure from damage.

**(I) Shared Waste Receptacles:** Waste receptacles may be shared by several adjacent properties or users.

### §16.90 - BUS STOP SHELTERS

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Bus stop shelters shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Setbacks:** Bus stop shelters may be located within the required front-yard setback and shall meet the side and rear-yard setbacks for accessory buildings.
- (B) **Obstruction:** Bus stop shelters shall be located outside of clear-vision zones and shall not obstruct the view of motorists.
- (C) **Area:** Private bus stop shelters shall have a maximum building coverage of thirty-two (32) square feet. All other bus stop shelters shall have a maximum building coverage of one hundred (100) square feet.
- (D) **Height:** Private bus stop shelters shall have a maximum height of eight (8) feet. All other bus stop shelters shall have a maximum height of ten (10) feet.
- (E) **Use:** Bus stop shelters shall only be used for providing shelter from the elements for bus users. Private bus stop shelters shall be removed when there is no longer a child living on the property that uses a school bus; this shall not be intended to require the removal of private bus stop shelters during school breaks.

### §16.95 - PORTAJOHNS

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Portajohns shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Special Events & Construction:** Portajohns shall be allowed accessory to a special event or related to construction and shall be removed within forty-eight (48) hours after the special event has finished or construction has been completed.
- (B) **Seasonal Recreational Use:** Portajohns shall be allowed accessory to an approved recreational use on a seasonal basis.

### §16.100 - PLAY EQUIPMENT

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Outdoor play equipment that requires a permanent location on or attachment to the ground shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Small Residential:** Play equipment for single-family and two-family dwellings shall be at least ten (10) feet from all side and rear lot lines and shall meet the front-yard and waterbody setbacks for the principal building.
- (B) **Multiple-Unit Residential & Nonresidential:** Play equipment for multiple-unit and nonresidential use shall be at least twenty-five (25) feet from all side and rear lot lines and shall meet the front-yard and waterbody setbacks for the principal building.



### §16.105 - OUTDOOR FURNACES

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Outdoor furnaces shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Location:** Outdoor furnaces shall be located in the side or rear yard on the same lot as the building it is providing heat to.
- (B) **Setbacks:** Outdoor furnaces shall be at least forty (40) feet from all buildings and lot lines, and at least two hundred (200) feet from adjacent dwellings.
- (C) **Clear Zone:** An area at least thirty (30) feet around the outdoor furnace shall be kept free of ignitable materials or debris, other than fuel for the outdoor furnace.
- (D) **Chimney Height:** The chimney shall extend at least fifteen (15) feet above the ground. If there are any dwelling units within five hundred (500) feet, the chimney shall extend at least (20) feet above the ground. The Director of Planning and Zoning may approve or require a greater or lesser height if necessary:
  - (1) **Specifications:** To comply with manufacturer specifications;
  - (2) **Smoke Dispersal:** To obtain an adequate height to effectively disperse smoke; or
  - (3) **Nuisance:** If the smoke from a lower chimney does not create a nuisance for neighboring properties.
- (E) **Fuel:** Outdoor furnaces shall only burn materials manufactured or intended for use in the outdoor furnace.
- (F) **Smoke:** The outdoor furnace shall not create a smoke nuisance to neighboring properties.

### §16.110 - GARAGE SALES

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Garage sales, yard sales, rummage sales, moving sales, and similar sales shall meet following standards outlined below.

- (A) **Number:** Each property shall have a maximum of three (3) sales per year.
- (B) **Duration:** Each sale shall have a maximum duration of three (3) days.
- (C) **Goods:** Items offered for sale may include items from multiple individuals but shall not include goods purchased for the intent of resale at a sale.
- (D) **Hours:** Sales shall be limited to the hours between 8:00 am and 6:00 pm.

### §16.115 - SALES OF VEHICLES, WATERCRAFT, & TRAILERS

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Sales of motor vehicles, recreational vehicles, watercraft, and trailers shall meet the following standards. This Section shall not apply to approved and licensed, commercial sales operations.

- (A) **Owner or Occupant:** The sale of motor vehicles, recreational vehicles, watercraft, and trailers shall be limited to the property owner or a resident.
- (B) **Number:** One (1) motor vehicle, recreational vehicle, watercraft, or trailer may be offered for sale on a property at a time.

- (C) **Duration:** Motor vehicles, recreational vehicles, watercraft, or trailers may be offered for sale for a maximum of **fourteen (14) days**.
- (D) **Resale:** Motor vehicles, recreational vehicles, watercraft, and trailers offered for sale shall not include those purchased only for the intent of resale.
- (E) **Nonresidential:** The parking or storage of motor vehicles, recreational vehicles, water craft, or trailers in any nonresidential parking lot for the purpose of selling for a continuous period of more than twenty-four (24) hours shall be prohibited.

## §16.120 - PARKING, REPAIR, & STORAGE OF VEHICLES

Motor vehicles, recreational vehicles, watercraft, and trailers shall be parked, stored, and repaired as outlined in this Section, unless otherwise noted in this Ordinance. This Section shall not apply to approved, commercial repair facilities.

- (A) **Owner or Occupant:** Storage of a recreational vehicle, watercraft, or trailer outside of an enclosed structure in residential zoning districts shall be limited to those owned by the property owner or a resident.
- (B) **Storage Location:** Recreational vehicles, watercraft, and trailers shall be stored in a rear or side yard, unless otherwise permitted in this Ordinance.
- (C) **Front-yard Storage:** Recreational vehicles or trailers may be stored outside in a front yard if all of the following conditions are met:
- (1) **Location:** The recreational vehicle or trailer is stored a driveway at least five (5) feet from all lot lines; and
  - (2) **Duration:** The recreational vehicle or trailer is stored outside in the front yard for a maximum of thirty (30) calendar days per calendar year.
- (D) **Waterbody & Wetland Setbacks:** Motor vehicles, recreational vehicles, and trailers shall be parked and stored at least twenty-five (25) feet from waterbodies and wetlands.
- (E) **Inoperable:** Inoperable motor vehicles, recreational vehicles, watercraft, and trailers shall be stored in a completely enclosed building.
- (F) **Repairs:** Repairs of motor vehicles, recreational vehicles, watercraft, and trailers that take longer than four (4) days shall be conducted within an enclosed building or within a yard enclosed by a six (6) foot tall privacy fence.
- (G) **Commercial Vehicles:** The parking or storage of vehicles with a gross vehicle weight of more than ten thousand (10,000) pounds outside of an enclosed structure on property outside of commercial zoning districts or sites used for commercial uses shall be prohibited except for those being used for commercial agriculture or development of the property on which they are parked.

**(H) Lake Residential Zoning Districts:** The outdoor parking or storage of recreational vehicles or trailers in Lake Residential Districts shall be limited to a maximum of thirty (30) calendar days per calendar year.

**(H)(I) Lake Residential Districts Large Lots:** For lots with a lot acre of one (1) acre or more, there shall be no time limit for outdoor parking or storage of recreational vehicles or trailers if the parking or storage is in a rear or side yard and it is screened from adjacent properties by a fence, vegetation, or building.

### §16.125 - STORAGE OF MATERIALS

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The storage of materials shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Location:** Abandoned, discarded, unused, unusable, or inoperable motor vehicles, recreational vehicles, watercraft, trailers, appliances, furniture, equipment, and materials shall be stored within an enclosed building.
- (B) **Construction Materials:** Construction materials shall be stored within an enclosed building, except as outlined below.
  - (1) **Valid Permit:** Construction materials necessary for the construction or alteration of a structure may be stored outside of an enclosed building on the lot the structure is being constructed on if a valid zoning permit or building permit has been issued for the structure.
  - (2) **Multiple-Lot Developments:** In developments with multiple lots, construction materials for use within the development may be stored outside of an enclosed structure on other building lots.
- (C) **Vehicles & Temporary Structures:** Abandoned, discarded, unused, or inoperable motor vehicles, appliances, furniture, equipment, and materials shall not be stored in a motor vehicle, recreational vehicle, trailer, watercraft, or temporary structure.

### §16.130 - STORAGE & CONSTRUCTION EQUIPMENT

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Storage and construction equipment shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Storage:** Shipping containers, semi-trailers, and other storage units shall only be located on property when there is active construction on the lot or the occupant is in the process of moving.
- (B) **Construction Equipment:** The outdoor storage or parking of construction equipment, including, but not limited to, bulldozers, earth carriers, cranes, or backhoes, shall be prohibited in agricultural and residential zoning districts except for equipment used for commercial agricultural operations or for the construction or repair of a structure on or development of the property.

### §16.135 - TEMPORARY STRUCTURES & USES

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Temporary structures and uses shall meet the following standards, in addition to other applicable standards of this Ordinance.

- (A) **Performance Guarantee:** A performance guarantee, consistent with §24.25 of this Ordinance, may be required before issuance of a zoning permit for a temporary structure or use.
- (B) **Utilities:** Temporary structures shall receive all the necessary permits, approvals, and inspections from the Building Official.
- (C) **Off-street Parking & Traffic:** Temporary structures and uses shall provide adequate off-street parking and shall not create a significant negative impact on the natural flow of traffic.

(D) **Location & Duration:** Temporary structures and uses shall meet locations and durations in the table below.

<b>Table 16.135(D): Temporary Structures &amp; Uses</b>			
<b>Use</b>	<b>Zoning Districts</b>	<b>Location</b>	<b>Duration</b>
(1) Construction & Repairs <sup>(1)</sup>	All	Principal building setbacks	6 months for repair 12 months for construction
(2) Schools & Religious Institutions <sup>(2)</sup>	All	Principal building setbacks	6 months
(3) Special Events	All	n/a	7 days
(4) Real Estate Sales Offices <sup>(3)</sup>	All	Principal building setbacks	12 months <sup>(4)</sup>
(5) Plant Sales <sup>(5)</sup>	C, AG, RC	Principal building setbacks	6 months
(6) Christmas Tree Sales <sup>(5)</sup>	C, AG, RC	Principal building setbacks	3 months
(7) Carnivals	C, PL, PR	Principal building setbacks and at least 200 feet from dwelling units	7 days
(8) Film Production	All	n/a	3 months

- (1) *Construction & Repairs:* Temporary buildings and structures shall be permitted incidental to the repair of an existing structure that has been damaged by fire, natural disaster, vandalism, or similar or incidental to the construction of a new non-residential structure.
- (2) *Schools & Religious Institutions:* Temporary buildings and structures shall be permitted incidental to schools and religious institutions.
- (3) *Real Estate Sales Offices Location:* Temporary real estate sales offices shall be located within the development for which property is being sold.
- (4) *Real Estate Sales Offices Duration:* Temporary real estate sales offices shall be removed within fifteen (15) days after the final lot or unit in the development has been sold, even if the temporary zoning permit has not yet expired.
- (5) *Plant & Christmas Tree Sales:* This applies to plant and Christmas tree sales that are not a part of a roadside stand, commercial agricultural operation, or nursery.

*End of Article 16.*

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